

**REMARKS**

Claims 19-24 are pending in the application.

**Examiner's Position**

The Examiner has rejected claims 19-24 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,476,211-B1 (filed July 16, 1998). Applicants respectfully traverse as follows.

**35 U.S.C. §102(e) Rejection Should be Withdrawn**

The rejection of the claims under 35 U.S.C. §102(e) should be withdrawn because SEQ ID NO: 6 was initially disclosed by the inventors of the instant application (Chadwick and Frischauf) in a journal article which was made public June 15, 1998 which precedes the priority date of the '211 patent (Chadwick *et al.*, *Genomics* 50:357-367 (1998)). In addition, the '211 patent acknowledges the previous identification and characterization of SEQ ID NO: 6 by referring to the Chadwick *et al.* paper several times (see column 47, lines 2-6, column 48, lines 12-16, and column 50, lines 64-67). Furthermore, the Chadwick *et al.* paper does not constitute a bar under 35 U.S.C. §102(b) in that it was published less than one year before the priority date of the instant application. Therefore, in light of the Chadwick *et al.* paper and the aforementioned remarks, the rejection under 35 U.S.C. §102(e) is moot and should be withdrawn.

**CONCLUSION**

On the basis of the foregoing remarks, Applicants respectfully submit that the pending claims are in condition for allowance, and a Notice of Allowance is respectfully requested as soon as possible. If there are any questions regarding these amendments and remarks, or if further discussion would expedite allowance of the claims, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

It is believed that no fees are required for the submission of this correspondence. However, the Commissioner is authorized to charge any fees that may be required to enter this correspondence to Deposit Account No. 50-1169.

Respectfully submitted,

Date: September 24, 2003

By: Renée S. Polizotto

Renée S. Polizotto, Ph.D.  
Agent for Applicants  
Registration No. 53,474  
**Customer No. 34285**  
NUVELO, Inc.  
675 Almanor Avenue  
Sunnyvale, CA 94085  
Tel: 408.215.4000  
Fax: 408.524.8145

RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE